

### ***Item No. 3 Wardy Residence (PA2012-140)***

The following comments are referenced to the handwritten page numbers in the 51 page PDF staff report.

Page 8: In describing the proposed shift in the (Area B)/(Area C) boundary, it would have seemed helpful to reference the drawing on page 30, which appears to illustrate the proposed change in an overhead view.

That drawing references a "Variance 162" which apparently set the (Area A)/(Area B) boundary for this lot 140' from the front property line, rather than requiring the "10-foot setback from the top of the existing bluff" specified for this area in Municipal Code Section 20.28.040.D.2.a.(1), and allowed the house itself to extend down the bluff into what would normally be the restricted Development Area C (that is, more than 13 feet below curb height).

I was also unable to find in the staff report any clear statement of what the curb elevation is, so that the proposal can be objectively compared to the normal standard on Irvine Terrace of setting the B/C boundary "13 feet below the average elevation of the top of the curb adjacent to the lot" per NBMC Section 20.28.040.D.2.a.(2). One of the captions in the illustration on page 30 indicates the approved 68.09 foot elevation lawn area is already 15 feet below the average curb elevation (the extra 2 feet possibly being part of Variance 162?), suggesting the latter is around 83 feet.

That illustration further suggests the proposed retaining walls (and therefore, the proposed Development Area B boundary) would extend down to an elevation of 51 feet, or 32 feet below curb height.

The above is difficult to reconcile with the statement on page 8 that "*The proposed adjustment would **shift** the Area B/Area C boundary up to 34 feet downslope*" unless that is referring to the horizontal shift (seen in the overhead view), rather than the vertical shift (seen in elevation). The vertical shift seems to be up to about 17 feet below the current 15 foot limit.

Page 9: I likewise find it difficult to accept staff's assertion that "*The proposed Area B/Area C boundary is consistent with the predominant line of existing accessory structure development on the adjacent properties.*" It seems consistent only when viewed from above. Assuming the intent of the Bluff Overlay restrictions is to prevent development from cascading down the slope beyond an elevation of 13 feet below curb height, and assuming the other properties have followed that standard, extending down 32 feet below curb height is **not** consistent with extending down 13 feet.

The main justification seems to be that this atypical, and normally unpermitted, encroachment down the bluff will be screened from view.

Page 12: The assertion that the excess-height retaining wall "*will not present a massive wall surface*" because it is perpendicular, not parallel, to Bayside Drive, surely depends on where on Bayside Drive one is looking from. Being perpendicular minimizes the problem, but doesn't eliminate it.

The staff report is unclear as to what “*negative impacts to the abutting property*” are avoid by topping the excess-height retaining wall “*with a 42-inch-high glass guardrail.*” I am guessing the planner has safety impacts in mind?

Page 17: In Section 1, statement 5 should say "2013" rather than "2012."

Page 18: The opening paragraph of Section 3 cites Municipal Code Section 20.28.040.I, whose title is “**Adjustment of development area boundary.**” I find nothing in the Resolution that clearly defines what adjustment to the boundary is being approved or where the new boundary will be.

The illustration on page 30 of the agenda packet shows what it claims to be the current (Area “B”)/(Area “C”) boundary (apparently following the 68.09 foot height contour), and a somewhat arbitrary heavy line (having nothing to do with elevation contours) labeled “Predominant Line of Existing Development.” I assume the intent of the Resolution is to move the “B/C” boundary for this one lot to that line, but I don’t find that clearly stated.

In Fact B-1, the word "that" seems unwanted, making the sentence ungrammatical, at least to me. I would suggest deleting it.

Page 19: Regarding Fact C-2, see previous comments. The proposed line is consistent with the existing line *only* when viewed from above. Also, *even* when viewed from above, the adjacent lot to the south (also in the ravine) does **not** appear to have developed out horizontally to this limit.

Page 19: In Fact I-1, the use of the word “*unique*” is confusing, making it sound like many (or all?) Irvine Terrace bluff-top properties have the same problem. I think you mean the topography of the project site is unique, in which case “*to other bluff properties in Irvine Terrace*” should be deleted. Alternatively you could delete “*unique*” and say the topography of the project site is *different from* (most) other bluff-top properties along Dolphin Terrace.

Page 22: In Fact K-2, the alternative would seem to be fill the area to the 13 foot below curb level elevation. I assume that would involve building a retaining wall parallel to Bayside Drive, would be detrimental to the stability of the existing slope, and would probably also require a modification permit.

#### ~~**Item No. 4 Plaza Corona del Mar (PA2010-061)**~~

~~The following comments refer to the January 3, 2013 Staff Report, and the page references are to the handwritten numbers (or, equivalently, the pages in the 124 page PDF)~~

~~Although not relevant to the Commission’s current decisions, one of my main concerns with this project, to echo those expressed by Dan Purcell in the minutes of the December 6, 2012 hearing (page 90), is the vacation, without any compensation to the City, of the public alley easement at the rear of the Gallo’s Deli property. I have not researched the vacation in the 1990’s of the much larger segment that wrapped around the rear of the entire plaza, and~~